ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-7 remain in this application. Claims 8-22 have been added to this application and are supported by the prior claims and the specification.

Claims 1, 6 & 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Kaminura (JP 07-154761A). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites

> a *processing means* for executing one or more *image modification processing techniques* which subjects the pickup image signal to an image modification processing to produce a modified image signal for protecting a portrait right

(lines 7-11; emphasis added). Kaminura does not suggest the processing means for the purpose specified.

Kaminura teaches a device that uses switches and "and" gates to modify an output of an A/D converter (see Figure 2). However, Kaminura does not suggest using a processing means for executing techniques for modifying an image signal, as recited in the claim. Hence, Kaminura does not anticipate claim 1, and thus claim 1 is patentable over the reference. Claims 2-7, which depend on claim 1, are patentable over Kaminura for the same reasons (as well as for the limitations contained therein).

Further, claim 6 recites that the "processing means performs a resolution reducing processing for reducing a resolution of the pickup image signal". Kaminura does not specifically suggest resolution reducing processing capability. The Examiner cites the abstract as teaching this limitation. However, a close reading of the English language abstract does not support the Examiner's assertion, as no discussion of resolution reduction can be found. Instead, Kaminura seems to merely

suggest direct modification of the digital video signal to corrupt the image, rather than actually "processing" the image, as that term is used in the art. Thus, the rejection is improper and hence claim 6 is patentable over the reference.

Similarly, claim 7 recites that the "processor performs a tone resolution reducing processing for reducing a tone resolution of the pickup image signal". Kaminura does not specifically suggest tone resolution reducing processing capability. The Examiner cites the abstract as teaching this limitation. However, a close reading of the English language abstract does not support the Examiner's assertion, as no discussion of tone resolution reduction can be found. Instead, as discussed above, Kaminura seems to merely suggest direct modification of the digital video signal to corrupt the image. Thus, the rejection is improper and hence claim 7 is patentable over the reference.

Claims 2-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A). For the following reasons, the rejection is respectfully traversed.

First, claims 2-3 are patentable over the reference for the same reasons as discussed for claim 1.

Further, claim 2 & 3 recite that "the image signal selection means selects and outputs the modified image signal from the processor at a time of starting communication". This is not suggested by Kaminura.

The Examiner admits that the switch control part of Kaminura is controlled by the originating party. Nowhere does Kaminura suggest that, at the start of transmission, the modified image is transmitted. Instead, as the Examiner states, the decision is left up to the user. Hence, claims 2 & 3 are patentable over the reference for this reason as well.

Claim 3 further recites that the device "thereafter selects and outputs the pickup image signal from the pickup signal processing means in response to confirmation of authentication of a partner side of a calling party". This limitation is also not suggested by the reference, which only suggests that the user controls the timing. Hence, claim 3 is patentable over the reference for this reason as well.

Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Hiroaki (U.S.5,786,846). For the following reasons, the rejection is respectfully traversed.

Claims 4 & 5 are patentable over Kaminura for the reasons set out for claim 1. Hiroaki does not overcome the cited deficiencies of Kaminura, and thus claims 4 & 5 are patentable over the combination as well.

Further, the Examiner has not provided any motivation for combining the references. The burden is on the Examiner to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference (MPEP §2143.01). The mere fact that references *can* be combined or modified, alone, is not sufficient to establish prima facie obviousness (*Id.*). The prior art must also suggest the *desirability* of the combination (*Id.*). The fact that the claimed invention is within the *capabilities* of one of ordinary skill in the art is not sufficient, by itself, to establish prima facie obviousness (*Id.*).

Accordingly, the combination is improper, and hence the rejection cannot stand. Thus, claims 4-5 are patentable over the references.

New claim 8 recites various processing techniques, many of which were discussed above, that are not found in Kaminura. Accordingly, claim 8 is patentable over the reference. New claims 9-10, which depend on claim 8, are patentable for the same reasons.

Also, new claims 9, 12, 15, 18, & 21 recite the same limitations as claim 2, and new claims 10, 13, 16, 19, & 22 recite the same limitations as claim 3, and thus are all patentable for the reasons discussed for those claims 2 and 3, respectively, as well.

New claim 11 recites the "defocusing processing" limitation of claim 4 and thus is patentable for some of the same reasons discussed for claim 4; new claim 14 recites the "deforming processing" of claim 5 and thus is patentable for some of the same reasons discussed for claim 5; new claim 17 recites the "resolution reducing processing" of claim 6, and thus is patentable for some of the same reasons